



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/764,604
Applicant : Stephen M. Howard et al.
Filed : January 25, 2001
T.C./A.U. : 2157
Examiner : Ramy M. Osman

Confirmation No.: 4397

Docket No. : EMC-002PUS
Customer No. : 022494

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

1 Sep 04
Date of Signature
and Mail Deposit

By:

Paul D. Durkee
Paul D. Durkee
Reg. No. 41,003

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

EMC Corporation through its below-signing representative, represents that it is the owner of record of one-hundred percent interest in U.S. Patent Application No.09/769,604 filed on January 25, 2001 for DATA BACKUP SYSTEM HAVING A FLEXIBLE RESTORE ARCHITECTURE by virtue of an Assignment sent to the U.S. Patent and Trademark Office on February 12, 2001 for recordation, Reel 011518, Frame 0777.

The owner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,721,766 issued April 13, 2004 and hereby agrees that any patent so

granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,721,766, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The owner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 6,721,766 in the event that it later lapses for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned, whose title is supplied below, is empowered to act and authorized to execute this document on behalf of the owner.

Dated: 1 Sep 04

Respectfully submitted,

DALY, CROWLEY & MOFFORD LLP

By: Paul D. Durkee

Paul D. Durkee

Reg. No. 41,003

Attorney for Applicant(s)

275 Turnpike Street, Suite 101

Canton, MA 02021-2354

Tel.: (781) 401-9988, ext. 21

Fax: (781) 401-9966

pdd@dc-m.com



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

RECEIVED
5-8-01

MAY 01, 2001

PTAS

DALY, CROWLEY & MOFFORD, LLP
PAUL D. DURKEE
275 TURNPIKE STREET, SUITE 101
CANTON, MA 02021-2310



101616184A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/12/2001

REEL/FRAME: 011518/0777
NUMBER OF PAGES: 8

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HOWARD, STEPHEN M.

DOC DATE: 01/24/2001

ASSIGNOR:

GILL, WILLIAM ALTON

DOC DATE: 01/24/2001

ASSIGNOR:

BOUDRIE, ROBERT ALAN

DOC DATE: 01/24/2001

ASSIGNOR:

SACHAR, GLENN R.

DOC DATE: 01/24/2001

ASSIGNEE:

EMC CORPORATION
35 PARKWOOD DRIVE
HOPKINTON, MASSACHUSETTS 01748-9103

SERIAL NUMBER: 09769604

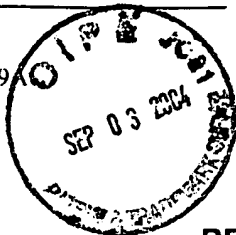
FILING DATE: 01/25/2001

PATENT NUMBER:

ISSUE DATE:

011518/0777 PAGE 2

SHAREILL COLES, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



02-21-2001



101616184

U.S. Department of Commerce
Patent and Trademark Office
PATENT

**RECORDATION FORM COVER SHEET
PATENTS ONLY**

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

2-12-01

☒

New

☐

Resubmission (Non-Recordation)

Document ID#

☐

Correction of PTO Error

Reel #

Frame #

☐

Corrective Document

Reel #

Frame #

Conveyance Type

☒

Assignment

☐

Security Agreement

☐

License

☐

Change of Name

☐

Merger

☐

Other

U.S. Government

(For Use ONLY by U.S. Government Agencies)

☐

Departmental File

☐

Secret File

Conveying Party(ies)

☒

Mark if additional names of conveying parties attached

Name (line 1)

Howard, Stephen M.

Execution Date
Month Day Year

01 24 01

Name (line 2)

Second Party

Name (line 1)

Gill, William Alton

Execution Date
Month Day Year

01 24 01

Name (line 2)

Receiving Party

☐

Mark if additional names of receiving parties attached

Name (line 1)

EMC Corporation

Name (line 2)

Address (line 1)

35 Parkwood Drive

Address (line 2)

Address (line 3)

Hopkinton

MA

01748-9103

City

State/Country

Zip Code

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

FOR OFFICE USE ONLY

02/20/2001 6TON11 00000198 09769604

01 FC:581

40.00 OP

40E

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

Correspondent Name and Address

Area Code and Telephone Number

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

Pages

Enter the total number of pages of the attached conveyance document including any attachments.

#

Application Number(s) or Patent Number(s)

☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number
only if a U.S. Application Number
has not been assigned.

PCT

PCT

PCT

PCT

PCT

PCT

Number of Properties

Enter the total number of properties involved.

#

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$

Method of Payment:
Deposit Account

Enclosed ☒ Deposit Account ☐

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

#

Authorization to charge additional fees:

Yes

☒

No

☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Paul D. Durkee

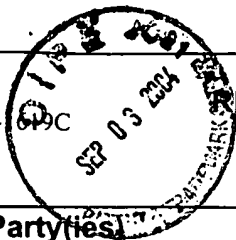


February 7, 2001

Name of Person Signing

Signature

Date



RECORDATION FORM COVER SHEET
CONTINUATION
PATENTS ONLY

U.S. Department of Commerce
Patent and Trademark Office
PATENT

Conveying Party(ies)

☐ Mark If additional names of conveying parties attached

Enter additional Conveying Parties

Name (line 1) Boudrie, Robert Alan

Execution Date
Month Day Year
01 24 01

Name (line 2)

Name (line 1) Sachar, Glenn R.

Execution Date
Month Day Year
01 24 01

Name (line 2)

Name (line 1)

Execution Date
Month Day Year

Name (line 2)

Receiving Party(ies)

☐ Mark If additional names of receiving parties attached

Enter additional Receiving Party(ies)

Name (line 1)

Name (line 2)

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

Name (line 1)

Name (line 2)

Address (line 1)

Address (line 2)

Address (line 3)

City

State/Country

Zip Code

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Application Number(s) or Patent Number(s)

☐ Mark If additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

ASSIGNMENT

For valuable consideration, We, STEPHEN M. HOWARD of Braintree, MA, WILLIAM ALTON GILL of Harvard, MA, ROBERT ALAN BOUDRIE of Ashland, MA AND GLENN R. SACHAR of Reading, MA, hereby assign to EMC CORPORATION, a MASSACHUSETTS corporation having a place of business at 35 Parkwood Drive, Hopkinton, MA 01748-9103 and assign (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of an application for United States Patent signed by me, entitled DATA BACKUP SYSTEM HAVING A FLEXIBLE RESTORE ARCHITECTURE, filed on January 25, 2001, and assigned U.S. Serial Number 09/769,604, and I authorize and request the attorneys appointed in said application to hereafter complete this assignment by inserting above the filing date and serial number of said application when known; this assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and I authorize the Assignee to apply in all countries in my name or in its own name for patents, utility models, design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and I agree for me and my respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at EMC Corporation,
this 24th day of January, 2001
Stephen M. Howard L.S.
STEPHEN M. HOWARD

State of Massachusetts :
: ss.

County of Norfolk :

Before me this 24th day of January, 2001, personally
appeared STEPHEN M. HOWARD known to me to be the person whose name is subscribed to
the foregoing Assignment and acknowledged that he executed the same as his free act and deed
for the purposes therein contained.

Linda M. LeFevre
Notary Public
My Commission Expires: Feb 19, 2004

[Notary's Seal Here]

IN WITNESS WHEREOF, I hereto set my hand and seal at EMC Corporation,
this 24th day of January, 2001
William Alton Gill L.S.
WILLIAM ALTON GILL

State of Massachusetts:
: ss.

County of Norfolk :

Before me this 24th day of January, 2001, personally
appeared WILLIAM ALTON GILL known to me to be the person whose name is subscribed to
the foregoing Assignment and acknowledged that he executed the same as his free act and deed
for the purposes therein contained.

Linda N. LeFebvre
Notary Public
My Commission Expires: Feb 19, 2004

[Notary's Seal Here]

IN WITNESS WHEREOF, I hereto set my hand and seal at EMC Corp,
this 24th day of JANUARY, 2001
[Signature] L.S.
ROBERT ALAN BOUDRIE

State of Massachusetts :
: ss.

County of Norfolk :

Before me this 24th day of January, 2001, personally
appeared ROBERT ALAN BOUDRIE known to me to be the person whose name is subscribed
to the foregoing Assignment and acknowledged that he executed the same as his free act and
deed for the purposes therein contained.

[Signature]
Notary Public
My Commission Expires: Feb 19, 2004

[Notary's Seal Here]

IN WITNESS WHEREOF, I hereto set my hand and seal at EMC Corp.,
this 24th day of January, 2001
Glenn R. Sachar L.S.
GLENN R. SACHAR

State of Massachusetts :
: ss.

County of Norfolk :

Before me this 24th day of January, 2001, personally
appeared GLENN R. SACHAR known to me to be the person whose name is subscribed to the
foregoing Assignment and acknowledged that he executed the same as his free act and deed for
the purposes therein contained.

Linda M. LeFevre
Notary Public
My Commission Expires: Feb 19, 2004

[Notary's Seal Here]



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/769,604	
	Filing Date	January 25, 2001	
	First Named Inventor	Stephen M. Howard	
	Group Art Unit	Not Yet Assigned	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	10	Attorney Docket Number	EMC-002PUS

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return-receipt postcard Check in the Amount of \$40.00
Remarks		
In the event a petition for extension of time is required by this paper and not otherwise provided, such petition is hereby made and authorization is provided herewith to charge deposit account No. 50-0845 for the cost of such extension.		

RECEIVED

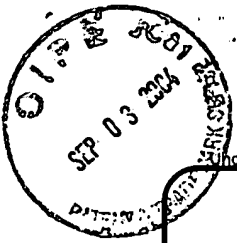
SEP 09 2004

Technology Center 2100

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Paul D. Durkee Reg. No. 41,003 Daly, Crowley & Mofford, LLP
Signature	<i>Paul Durkee</i>
Date	February 7, 2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: February 7, 2001			
Typed or printed name	Paul D. Durkee	Date	February 7, 2001
Signature	<i>Paul Durkee</i>	Date	February 7, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)**40**

Complete if Known

Application Number	09/769,604
Filing Date	January 25, 2001
First Named Inventor	Stephen M. Howard
Examiner Name	Not Yet Assigned
Group Art Unit	Not Yet Assigned
Attorney Docket No.	EMC-002PUS

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **50-0845**
Deposit Account Name **Daly, Crowley & Mofford, LLP**

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$)**0**

2. EXTRA CLAIM FEES

Total Claims - 20** = X Fee from below = Fee Paid
Independent Claims - 3** = X **40** = **0**
Multiple Dependent =

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**0**

**for number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**40**

SUBMITTED BY

Name (Print/Type) **Paul D. Durkee**
Signature *Paul D. Durkee*

Registration No. (Attorney/Agent) **41,003**

Complete (if applicable)

Telephone **781.401.9988 ext. 21**
Date **2/7/01**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.